IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 496 OF 2002

Someshwar Siddappa Wali @ Birajdar..Appellant

Versus

The State of Maharashtra .. Respondent

..

Mr.R.V.More with Mr.Umesh Mankapure and Mr. Shantaram Dheple for Appellant

Mr.D.P.Adsule A.P.P. for State.

CORAM : V.M.KANADE, J

DATE: 12TH OCTOBER, 2004

P.C.:

1. Heard learned counsel Mr. Mankapure appearing for the appellant along with Mr. More and learned A.P.P. for the State.

2. For the reasons separately recorded, the appeal is partly allowed. The conviction under section 376 IPC is set aside. The accused is convicted under section 354 of the I.P.C. and sentenced to suffer R.I. for two years. The appellant is in jail since 7th February, 2001. He has therefore already undergone the sentence. The appellant therefore be discharged forthwith unless he is otherwise required in any other case.

V.M.KANADE, J